CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

AUGUST 19, 2008

INVOCATION:
Pastor Brian Parcel of Santa Maria First United Methodist Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Orach led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Director of Public Works/City Engineer Whitehead, Director of Administrative Services Snodgrass, Director of Community Development Lindsey, Planning Division Manager Woods, Advance Planner Smith, Police Chief Macagni, Fire Chief Ortiz, Director of Utilities Sweet, Director of Recreation and Parks Posada, and Chief Deputy City Clerk Perez.

ANNOUNCEMENTS:
Mayor Lavagnino announced that Item No. 4, the Mahoney Ranch South Project, General Plan Amendment, Zone Change and Specific Plan Amendments, was being continued for 30 days to resolve some legal issues.

On motion by Councilmember Orach, seconded by Councilmember Trujillo, and carried unanimously, the project was continued to the City Council meeting of September 16, 2008.

In response to a question from Councilmember Trujillo, City Attorney Trujillo explained that an issue arose regarding the payment of a past due obligation for fees on the project. Unfortunately, the attorney for the applicant was on vacation. The applicant has requested their attorney contact the City; however, due to the tight time constraints for the next agenda, staff was requesting it be postponed for two Council meetings.

RESOLUTION FOR RAUL ZERMEÑO
Councilmember Zacarías read a resolution commending Raul Zermeño, retired member of the Block Grants Advisory Committee, for four years of dedicated service to the Committee and volunteering many hours working on various boards and committees in the community.
Resolution No. 2008-124 was adopted on motion by Councilmember Zacarías, seconded by Councilmember Orach, and carried on the following vote:

AYES:	Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution No. 2008-124 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA COMMENDING RAUL ZERMEÑO.

Mr. Zermeño was not present to accept the resolution.

VOLUNTEERS OF THE MONTH:
Councilmember Patino presented gifts to Justin Lieberman who accepted on behalf of himself, Justin Bruner and Manual Castro, the Recreation and Parks Volunteers of the

Month for August, for their work in helping staff design, install, and maintain an 18-hole disk golf course in Preisker Park which opened in 2006, and organizing disk golf tournaments held at Preisker Park.

GEM AWARD:
City Manager Ness presented the quarterly "Going the Extra Mile (GEM)" Award to Peggy Woods, Planning Division Manager, for her "can do" attitude and leadership in guiding the department through an exceptionally busy period while the director was seriously ill and absent for several weeks. She held firmly to the City's core mission that the public's needs come first, and rose to the occasion in an exemplary manner.

Peggy Woods said she was honored to receive the award. She thanked the City Manager, Department Heads, and other staff members for their assistance and support during Director Lindsey's absence.

STUDENT AMBASSADOR PRESENTATION
U. S. Student Ambassadors from local high schools provided a PowerPoint presentation on their recent trip to Japan.

PUBLIC COMMENT
Mickey Freeman spoke about Section 287(g) of the Immigration and Nationality Act and the need for the Police Department to be able to enforce it.

Glenda Stafford spoke about the continuing problem in her neighborhood and a person who is harassing her.

Audrey Seter spoke about the State budget and the need to eliminate waste and fraud in State government and the impact of illegal immigration on the budget.

Richard Dydell spoke about the H-2A AG worker program. He said the Ag Commissioner needed a letter from the Mayor or City Council in order to conduct a study.

Paula James spoke about the illegal alien problem in Santa Maria and all across the United States.

Joan Leon, Santa Maria Community Coalition, spoke about Item 3G, Call for Bids for Philbric Road Improvements.

CONSENT CALENDAR
Councilmember Trujillo and Councilmember Patino requested Item 3J be pulled for comment. Councilmember Orach requested Item 3I be pulled for comment.

Item 3I – Ordinance 2008-16 Speed Limits on East Main Street and McClelland Street.
Councilmember Orach asked when the speed limit on McClelland Street between Cook Street and Jones Street would go into effect since the new Library would be opening on Saturday.

Public Works Director/City Engineer Whitehead replied that it would go into effect 30 days from adoption of the ordinance.

Item 3J – Professional Services Agreement for Federal Lobbying Services
Councilmember Trujillo stated he had no problem with the City approving the agreement with Van Scoyoc Associates; however, Marlowe and Company had done a good job for the City. He asked why staff was recommending the shift to Van Scoyoc Associates.

Mayor Lavagnino stated even though the agreement was with Marlowe and Company, it was Greg Burns who was really working on behalf of the City. The City wanted to continue using him as their lobbyist as he was quite familiar with the City's situation. He left Marlowe and Company and was now working for Van Scoyoc Associates.

Councilmember Patino stated she agreed because Greg Burns would not have to play catch up for the City. She was in favor of staying with him.

Councilmember Orach commented that Marlowe and Company planned to designate an interim person for the City, so it was another reason to stay with Greg Burns.

Consent Calendar Items A through J were approved on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of August 5, 2008, were approved as submitted.

C. RELEASE OF BOND
Council accepted as complete certain public improvements consisting of the installation of 67 street and easement trees and authorized the release of a Faithful Performance Bond in the amount of $6,746.90 for Betteravia Business Plaza, Tract 5826.

D. RELEASE OF BONDS
Council accepted as complete certain public improvements and authorized the release of a Faithful Performance Bond in the amount of $235,233 for boundary walls, with an order that the Contractor, Labor and Material Bond be retained until February 2009; and a Faithful Performance Bond in the amount of $21,000 for 84 street and easement trees for Westfield at Pacific Crest Airspace Condominiums, Tract 5899.

E. WARRANTS
Warrant Nos. 144045 to 144362 in the amount of $1,820,837.68 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 139045, 142717, 143975, and 144135 were cancelled.

F. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

G. CALL FOR BIDS
Council gave approval to call for bids for Bid No. 2009/07, Philbric Road Reconstruction.

H. SUBDIVISION MAP AND AGREEMENT
Resolution No. 2008-125 was adopted approving the subdivision map and agreement for Newlove Gardens, Tract 5910, generally located south of Newlove Drive, west of College Drive, east of Miller Street, and north of Sequoia Drive.

Resolution No. 2008-125 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE SUBDIVISION MAP AND AGREEMENT FOR NEWLOVE GARDENS, TRACT 5910.

I. ORDINANCE NO. 2008-16
Second reading of Ordinance No. 2008-16 establishing speed limits on McClelland Street between Cook Street on the north and Jones Street on the south at twenty-five

(25) miles per hour and on East Main Street between Suey Road on the west and the easterly City limits on the east at forty-five (45) miles per hour was conducted and the ordinance was adopted.

Ordinance No. 2008-16 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING CHAPTER 7-4, SPEED LIMITS, OF THE SANTA MARIA MUNICIPAL CODE.

J. PROFESSIONAL SERVICES AGREEMENT

Resolution No. 2008-126 was adopted authorizing the City Manager to enter into a Professional Services Agreement for a period of one year with Van Scoyoc Associates to provide comprehensive Federal lobbying services.

Resolution No. 2008-126 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT FOR COMPREHENSIVE FEDERAL LOBBYING SERVICES.

GENERAL PLAN AMENDMENT, ZONE CHANGE, AND SPECIFIC PLAN AMENDMENTS FOR THE MAHONEY RANCH SOUTH PROJECT, LOCATED AT 2910 BLACK ROAD, GPZ-2006-006, SPZ-2006-002, E-2006-019, (319 ACRES).

A recommendation from the Planning Commission regarding the certification of the Final Environmental Impact Report (FEIR); an amendment to the General Plan–Circulation Element to realign roads and reduce road right-of-way requirements; repeal of the 460-acre Mahoney Ranch Specific Plan and adoption of two specific plans in its place, to include the 319-acre Mahoney Ranch South Specific Plan and the 141-acre Mahoney Ranch North Specific Plan; and rezone of Assessor's Parcel Nos. 111-130-006 and 111-140-007 to be consistent with the Mahoney Ranch South Specific Plan land use and zoning designations. The Mahoney Ranch South Specific Plan proposes development of up to 1,405 dwelling units on 191 acres, 106 acres of passive open space, 17 acres for a joint-use school/neighborhood park facility, and five (5) acres for a neighborhood-serving commercial site.

This item was continued earlier in the meeting to the City Council meeting of September 16, 2008.

ENTERTAINMENT LICENSE

Director of Administrative Services Snodgrass gave the staff report. Elevterio and Norma Herrera, owners of Los Tres Amigos Herrera, located at 1127 W. Main Street, Suites G & H, submitted an entertainment license application to modify their existing entertainment license to add disc-jockey services and dancing on Saturday from 10:00 a.m. to 2:00 a.m. They currently have an entertainment license which allows televised sporting events, Sunday through Saturday between the hours of 10:00 a.m. and 2:00 a.m. After review of the application by the Police, Fire and Community Development Departments, staff is recommending the modification to the entertainment license be denied. Under the ownership of the Herrera's, certain calls for service have decreased; however, calls for service including fighting, public intoxication, robbery, car-jacking, and prostitution continue to be reported by neighboring businesses. The Police Chief considers the calls for service high, especially considering that the business does not currently provide entertainment in the form of disc-jockey music and dancing. Police Department statistics show that Los Tres Amigos Herrera ranked number three in calls for service within the City. It is the Police Department's opinion that calls for service would increase if the entertainment license was expanded to allow disc-jockey music and dancing.

Corporal Best stated Los Tres Amigos has traditionally had a high number of calls for service including drug sales, public intoxication, fights, assaults, prostitution, underage drinking, and noise complaints. During the last 18 months of the previous owners' operation, they had an Entertainment License for sporting events seven days a week, and music and dancing on Fridays, Saturdays and Sundays. Since the Herrera's bought the business in 2007, the calls for service have dropped about 50 percent; however, they only have an Entertainment License for televised sporting events.

Employees of the other businesses in the area reported that public intoxication, prostitution, and underage drinking were still occurring frequently. It was the Police Department's opinion that expanding the Entertainment License to allow music and dancing would only increase the calls for service and complaints from neighboring businesses.

Councilmember Zacarías asked if the Mariscos Ensenada was actually having live music and dancing as their Entertainment License allowed.

Louroles Luna, Mariscos Ensenada Restaurant, stated they had Mariachi's once in a while.

Councilmember Zacarías said she wanted to make sure that the calls for service were not from other businesses in the area as well.

Maricruz Luna stated she worked at the restaurant and usually worked Saturday nights. With the previous Entertainment License at Los Tres Amigos, there were a lot of fights and a lot of drunk people outside in the parking lot. Their customers did not feel safe coming to the restaurant, especially on Saturday nights, because there were drunk men, prostitution, and drugs. They want to promote a nice area where people could come and not worry.

Joanna Luna stated she also worked in the shopping center at the ice cream shop. She did not feel safe knowing there were drunk men in that shopping center that come from Los Tres Amigos. People who come to the ice cream shop don't want to see men urinating in the parking lot. She asked the City to help clean up that business.

Lourdes Luna stated she did not work at her mother's restaurant, but she went there all the time to eat. Recently she witnessed prostitution going on when she was with her children. This happened during regular evening hours. If the Entertainment License was extended, she felt they would have even more crime. People were afraid to eat at their restaurant because they didn't feel safe.

Josh Luna stated he just moved to the Santa Maria area. His fiance closes the restaurant every Saturday, and he went there every Saturday to walk her to her car to make sure she was safe. He has seen prostitution, people with guns, and drug deals. Getting the license would just enable more crime. He didn't think it would be good for the community.

Mayor Lavagnino stated he agreed. He could not go against the Police Department's recommendation. He could not support the Entertainment License application.

Councilmember Trujillo commented that he was surprised the owners were not present to state their case. It was difficult for him to go against the recommendation of the Police Department.

Councilmember Patino stated she would not support the modification. She said what really bothered her was that people did not feel safe when doing business or working in the community. She asked Police Chief Macagni to get the area cleaned up.

Councilmember Zacarías asked why the City was considering any type of entertainment license for this business. She asked if denying the modification would still allow some type of entertainment to take place. If so, was there a way to do a review of the current license in the future.

City Attorney Gill explained that the Entertainment License ordinance did provide for revocation of a license for a number of reasons. However, that was not before the Council at this time. At any time, staff could bring to the Council a revocation of the existing license if the violations were increasing. Since the calls for service had decreased under the new owners, he felt a trial period was probably warranted. He recommended that two additional findings be added to the resolution if the Council was inclined to deny the modifications to the license: 1) the City Council finds that Los Tres

Amigos is located in a high crime area; and 2) the City Council further finds that the operation of the Los Tres Amigos Herrera business has been a nuisance to the surrounding properties; and, if modified, would result in increased nuisance activities to the surrounding properties.

Councilmember Orach stated this was a concerning situation. He suggested that some intensified and/or undercover activity, as well as sting operations, related to underage drinking by the Police Department was warranted.

Councilmember Patino stated she was sure there were other businesses in the City where there were similar complaints and asked for a report to be brought to the Council in the future to allow revocation of licenses when they were a magnet for criminal activity.

Councilmember Zacarias stated she wanted to make sure that there was a reduction in illegal activity, not just a reduction in calls for service. The decrease in calls for service might be because people felt intimidated or because fewer people were going to the area because of the crime.

Resolution No. 2008-129 as amended to include the two additional findings was adopted denying modifications to the existing entertainment license on motion by Councilmember Zacarias, seconded by Councilmember Patino, and carried on the following roll-call vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2008-129 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, DENYING APPROVAL OF MODIFYING THE EXISTING ENTERTAINMENT LICENSE FOR LOS TRES AMIGOS HERRERA.

ABC LICENSE FOR TRADER JOE'S

Mayor Lavagnino stated he had gotten several calls from people complaining because they were told by employees of Trader Joe's in Arroyo Grande that the reason the store had not opened in Santa Maria was because of the Community Development Department was not giving them permits in a timely manner. That was not true. It was the ABC License and the Alcoholic Beverage Control Board that was holding the store up.

Director of Community Development Lindsey gave the staff report. The request is for the Council to make a determination that public convenience will be served in the matter of the issuance of a Type 20 (off-sale beer and wine) Alcoholic Beverage License for Trader Joe's, a specialty grocery store, proposed to be located at 1321 S. Bradley Road next to Gold's Gym and Costco. The building is located in Census Tract No. 21.03 which encompasses a large area, extending from Broadway to U. S. Highway 101, and from Stowell Road to Betteravia Road. Even though the number of off-sale alcoholic beverage licenses in the census tract exceeds the number allowed per Section 23958 of the Business and Professions Code by two, only one existing license at Costco is located within a mile of the proposed Trader Joe's location. In addition, the number of crimes in Crime Reporting District 69 is only slightly above the threshold of calls for service per Section 23958 of the Business and Professional Code. The Police Department has no objection to this License.

Art Rodriguez, a representative of the Trader Joe's Company, stated it was a very solid company with good training. They believed that the area around the store would benefit. No opposition had been filed with the Alcoholic Beverage Control Board.

On motion by Councilmember Trujillo, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarias, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

a determination was made that public convenience would be served in the matter of the issuance of a Type 20 (off-sale beer and wine) Alcoholic Beverage License for Trader Joe's.

STREET AND OTHER ITINERANT VENDORS

Assistant City Attorney Sinco gave the staff report. The City Attorney was asked by the Council to research the legality of prohibiting outdoor floral sales as a result of numerous unpermitted flower vendors who plied their wares along Broadway and other commercial areas of the City this past Mother's Day. The City Attorney's office undertook a thorough legal review of the statutory and case law regarding the prohibition of flower vendors as well as the prohibition and/or regulation of street vendors of all kinds, including vendors who ply their wares from a stationary location and those who operate non-motorized vehicles such as pushcarts. The review also included catering vehicles. An existing ordinance generally prohibits the outdoor display and sale of merchandise, although there are a number of exceptions, including outdoor flower sales. The City Council could decide to ban these types of sales which would bring them within the general ban against outdoor display and sale of merchandise. Municipalities have broad authority to prohibit or regulate the sale of goods on public streets, sidewalks, and other public property. There is strong legal authority permitting the complete prohibition of street vending. In addition, there is legal authority that supports a municipality's ability to completely prohibit sales of any goods from non-motorized and/or catering vehicles of all kinds. There is also ample legal authority to justify the decision to regulate, rather than completely prohibit, the sale of goods from non-motorized vehicles and/or motorized catering vehicles. There is one major exception to a municipality's authority to completely ban the sale of all types of merchandise. Any ban would have to permit the sale of items on public sidewalks that are "inextricably intertwined" with expression that is protected by the First Amendment. Even this can be prohibited if the sales interfere with the safe flow of traffic or otherwise create a safety hazard. With respect to sales of goods (including food) from non-motorized vehicles such as pushcarts or bicycles, the City could ban them entirely, provided sufficient findings are made. Staff believes it could provide sufficient evidence for the Council to make the required legislative and factual findings to support such a ban. With respect to catering vehicles, the Health and Safety Code gives municipalities the ability to enact ordinances regulating food facilities including mobile food facilities. Although all catering-type vehicles can be banned, it is not necessary that all of these vehicles be banned. The Council could decide to ban only some types of vehicles, change or increase regulations for others, and/or let others continue to operate as they have been doing.

Mayor Lavagnino stated he would like to go through the decision matrix one item at a time and come to a consensus on each item.

Temporary Outdoor Sales by Established Businesses

Council consensus was for no change to the existing regulations.

Flower Sales

Mayor Lavagnino stated he felt flower sales on the street corners were in direct competition with established businesses and should be prohibited.

Councilmember Trujillo stated he agreed. Over Mother's Day there were flower sales on almost every corner. People were selling flowers out of their cars. It was not fair for the people who owned the florist shops.

Bill Tomasini, A Little Something Florist, stated there was a problem with flower vendors on every street corner on holidays. It was not attractive for the City, and it was not right for the florists who were in business in the City. He thanked the Council for their support.

Council consensus was for staff to draft an ordinance to prohibit flower sales, excepting flower sales at the Farmer's Market at Town Center West.

Fireworks Sales
Mayor Lavagnino suggested that staff bring this back in a year for a discussion on fireworks sales. Illegal fireworks had become a real problem for the City. There were a lot of groups who used fireworks sales as their only means of generating funds. It would give the non-profit agencies one more year to raise money before the City Council made a final decision on what to do with fireworks.

Councilmember Orach stated there were 27 organizations that sell fireworks as their major fundraiser for the year. He asked that they be notified. Illegal fireworks put such a burden on the Police and Fire Departments. By banning fireworks, it would make it much easier to find the people with illegal fireworks.

Councilmember Zacarías stated she totally disagreed. She could not support banning fireworks. Legal fireworks were a wonderful way for people to celebrate the 4th of July. Banning fireworks was not the approach to take. Illegal fireworks were an issue. She would hate to see the day that the City would not allow fireworks.

Councilmember Patino stated she would also hate to see fireworks go away on the 4th of July. It was part of Americana. There were illegal fireworks in her neighborhood.

Councilmember Trujillo stated his position was somewhere in the middle. He received a lot of complaints about illegal fireworks. It was a problem. Out of respect to the non-profits, he asked that they be put on notice that this might happen. There would still be fireworks displays at the Fairpark and other locations. Staff needed to take a hard look at this.

Council consensus was to take a look at this in one year.

Pumpkin and Christmas Tree Sales
Council consensus was for no change to the existing regulations.

Garage Sales
Councilmember Patino asked who monitored garage sales and if they needed to obtain a permit.

Assistant City Attorney Sinco explained that people were required to obtain a permit from the Community Development Department for garage sales; however, most people were not aware of that requirement. It was low on Code Compliance's priorities to enforce that.

Council consensus was for no change to the existing regulations.

Offsite Auto Sales
Mayor Lavagnino stated auto sales were the number one sales tax generator for the City. He wanted to limit offsite auto sales to Santa Maria dealerships. He asked if the City could prohibit outside dealerships from coming to the City for a parking lot sale.

Assistant City Attorney Sinco stated most likely that would be possible; however, he would like time to research it. In general, the City Council had broad authority to regulate and protect local businesses.

Mayor Lavagnino asked staff to take a look at it and report back on what could be done to limit it to Santa Maria dealerships.

Fruit and Vegetable Sales
Councilmember Orach commented that the report indicated fruit and vegetable sales were currently prohibited; however, he did not think that was true.

Assistant City Attorney Sinco replied that he was also surprised to learn that. He intended to clarify in the ordinance that fruit and vegetable sales would be permitted at Farmer's Market.

Council consensus was to allow but regulate.

Barbecue Sales
Council consensus was for no change to the existing regulations.

Non-motorized Vehicles including Pushcarts, Bicycle Devices, Wagons, Etc.
Councilmember Patino stated she felt they should be prohibited.

Councilmember Orach stated the only comments he had received from people was the litter that was left behind.

Councilmember Zacarías stated she did not see a reason to change the current regulations. However, she wanted to make sure that the people were required to obtain a license, and there were regulations about who would be issued a license. She wanted to allow but regulate.

Councilmember Patino stated she would like to hear from the Code Compliance Division on how difficult it was to enforce. If the Council was going to regulate it, who would the regulators be? There was a problem with these vehicles now, and they were not complying with the 7 a.m. to 6 p.m. hours of operation.

Council consensus was to allow but regulate.

Catering Vehicles including Hot Trucks, Rolling Grocery Stores and Ice Cream Trucks
Mayor Lavagnino stated he did not have a problem with ice cream trucks.

Councilmember Patino stated again she felt there was a problem with regulation of the catering vehicles. They were operating after 6:00 p.m. If the Council was going to make rules, they had to stick by the rules and provide the necessary resources.

Assistant City Attorney Sinco explained that the difference between "hot trucks" and "rolling grocery trucks" was that rolling grocery trucks could not sell any hot food or eggs. They could sell vegetables and prepackaged goods. Hot trucks could sell that, as well as anything that was prepared hot. The classic example of hot trucks would be taco trucks.

Councilmember Orach stated in the industrial zones, people waited for catering trucks to buy hot foods.

Assistant City Attorney Sinco stated one of the options Council could elect to take to regulate catering trucks would be to ban them in certain areas of the City, for example in commercial areas to protect local businesses but allow them in the industrial areas.

City Manager Ness asked for clarification on what the Council wanted to regulate over and above what was currently allowed by City code.

Councilmember Patino stated there were so many in Santa Maria, and they were operating in violation. She recommended they be prohibited. There were State regulations regarding food, and these people were not following those regulations.

Councilmember Zacarías stated she thought it was an issue. She was in favor of "allow but regulate," but she wanted to expend the resources to police it. She felt the City should partner with the Health Department. She knew there were families who did not have vehicles and depended on the rolling grocery stores for their groceries. She would like to prohibit them but needed more information about how many there were and the types of problems Code Compliance was experiencing.

Assistant City Attorney Sinco stated the Health Department mentioned that they did have a lot of problems with the hot trucks but not necessarily the rolling grocery stores. He suggested that Jennifer Bernstein from the Public Health Department come and talk to the Council regarding their requirements. Ms. Bernstein did say she would like to see the City ban hot trucks.

Mayor Lavagnino stated the Council wanted to take a look at this while recognizing that the Council needed to give Code Compliance the resources they needed to enforce the rules.

Ernest Armenta asked if flower vendors would be allowed to sell their flowers at Farmer's Market.

Phil Sinco stated he believed that if farmer's markets were sufficiently defined as established businesses, an exception could be made for that while still outlawing the flower vendors on the street corners.

Ernest Armenta stated he opposed banning flower vendors on the street corners because he liked getting a good deal on a fresh bouquet of flowers. He said it was a good thing for him. He was also opposed to banning fireworks.

Councilmember Zacarías asked for clarification regarding flower sales at Santa Maria's Farmer's Market and suggested staff check into what other farmer's markets allowed.

City Attorney Trujillo stated farmer's markets were highly regulated by the State and Agricultural Code. Once a City decided they were an allowable use, it had no control over what could be sold.

Council consensus regarding catering vehicles was to allow but regulate.

Council directed staff to bring back to the Council at a future date for consideration ordinances and information consistent with the consensus of Council to regulate or ban street and other itinerant vendors.

FOURTH QUARTER FINANCIAL REPORT

Director of Administrative Services Snodgrass gave the staff report. With 100 percent of the year complete, revenues are at 104.2 percent of projections while expenditures are at 92.3 percent of appropriations. Total revenue and transfers are $56.2 million which is $2.1 million more than last year. Departmental expenditures are $53 million, approximately $4.8 million higher than the prior year. The top six revenue sources account for about 74.3 percent of total General Fund revenues. Sales tax receipts were approximately $315,500 more than the prior year. Sales tax revenues are expected to come close to the budgeted $18.4 million amount when the year-end accruals are completed in September. Vehicle License Fee receipts are approximately $338,400 more than last year and are 104.4 percent of the budget. Property tax receipts of $8.5 million are 15.9 percent more than budgeted and $600,000 higher than last year. Operating costs are 7.2 percent less than budgeted and total General Fund expenditures of $53.1 million are 7.7 percent less than budgeted at the end of the fourth quarter. In the Water/Wastewater Fund, revenues exceeded expenses by $977,390; although, there are still many year-end audit adjustments that will change this amount. In the Solid Waste Fund, refuse expenses exceeded revenues by $1.1 million as a result of several large capital projects.

Council thanked staff for the report and ordered it received and filed.

CITY MANAGER'S REPORT

City Manager Ness reported that the next meeting would be on September 2, 2008, and there were currently no action items scheduled for that meeting.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Trujillo reported he had been working with the Young Educated Latino Leaders (YELL) group on a conference to be held on October 18th in collaboration with

Allan Hancock College to try to get junior high and high school students to stay in school.

Councilmember Patino reported that the week before last she met with the residents of Tanglewood regarding the Mahoney Ranch South project regarding their concerns about the loss of privacy that would occur with the project.

Mayor Lavagnino reported that on August 7th he met with representatives from the Census Bureau regarding the office they would be establishing in Santa Maria. On August 9th, he attended the Marian Medical Center VIP Night. On August 11th, he met with the exchange students from Japan. On August 13th, he attended the Chamber Installation Dinner. On August 14th, he attended a Community Bank get together of all the founders. On August 19th, he appeared on the Ben Hayes radio show. Finally, he invited everyone to attend the Grand Opening of the Library on Saturday, August 23rd.

Councilmember Zacarías announced that she was invited to speak as part of the Community Leaders panel for the Future Leaders of America conference with 105 students attending the week-long training. On August 16th, she attended the Kid's Day In The Park.

Councilmember Orach reported he attended the Union Valley Parkway public forum on August 12th and the Downtown Specific Plan public forum on August 14th. He attended the Santa Maria Valley Business Development Group meeting on August 19th. He participated in the YMCA Kid's Day in the Park on August 16th, and attended the Spirit of Small Business Awards celebration in Santa Barbara.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned by Mayor Lavagnino at 8:50 p.m.

APPROVED

September 2, 2008
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Chief Deputy City Clerk

Mayor of the City of Santa Maria